

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Authority to Award the Medal of Freedom

1. PROBLEM. To ascertain the best procedure for award of the Medal of Freedom by the Director of Central Intelligence.
2. ASSUMPTION. That contributions in the field of intelligence deserving award of the Medal of Freedom will occur regardless of a state of war or national emergency.
3. FACTS BEARING ON THE PROBLEM.

a. Executive Order 9586 established the Medal of Freedom and authorized its award by the Secretaries of State, War, and Navy for meritorious acts or services aiding the United States in the prosecution of a war after December 7, 1941.

b. In 1952 the Bureau of the Budget requested comments for revision of Executive Order 9586. The Central Intelligence Agency pointed out that intelligence contributions in time of peace could be as deserving of the award of the Medal of Freedom as those made during times of war or national emergency and asked for a specific revision on this point. Furthermore, it asked that the new Order specify that the head of any agency not authorized to make the award could recommend to one of the authorized Secretaries that the Medal be given for appropriate services.

c. Executive Order 10336 of April 5, 1952, provided that the Medal of Freedom may be awarded to a person performing a meritorious act or service which has aided the United States in prosecution of a war or has aided any nation engaged with the United States in prosecution of a war against a common enemy, or who during a period of national emergency has furthered the interests of the security of the United States or of any nation allied or associated with the United States.

d. The Secretaries of State, Defense, Army, Navy, and Air or their designees are authorized to make the award under the above circumstances. Heads of other agencies

may recommend to the Secretary of Defense the award of the Medal and he may then make the award. Under special circumstances and without regard to the existence of a state of war or national emergency, the Medal may also be awarded by or at the direction of the President for a meritorious act or service in the interest of the security of the United States. Acts performed by citizens of the United States within its continental limits or by a member of the armed forces are excluded.

4. DISCUSSION.

The changes contained in Executive Order 10336 were those requested by CIA except for the technical changes in titles required by the reorganization of the armed services. At that time it was decided that the CIA would not request authorities similar to those of the Secretaries to make awards for acts performed during state of war or national emergency, and it was further determined that it would be appropriate to restrict the authority to award for peacetime acts to the President. It is now understood that the Director may wish to make certain awards of the Medal of Freedom on his own cognizance. This cannot be done under the Executive Order as now worded. We have inquired whether the Director could be so authorized on a continuing basis by the President by a separate directive referring to the awards by or at the direction of the President without regard to a state of war or national emergency. The Department of Justice has informally informed us that such a separate directive would not suffice legally.

5. CONCLUSION. If the Director were to be given any direct authority to award the Medal of Freedom, it should be similar to the Presidential authority in regard to acts or services performed in peacetime. This would require an amendment of Executive Order 10336, with an honor awards delegation to the Director of Central Intelligence broader than that to the Secretaries of State and Defense and the service Secretaries. It is believed impolitic to request such a delegation.

6. RECOMMENDATION. That the Director utilize the procedures set forth in Executive Order 10336 for the award of the Medal of Freedom so that in case of acts or services performed during wartime or state of national emergency the recommendation for the award will go to the Secretary of Defense and for acts performed during peacetime the recommendation will go to the President. In special circumstances, the recommendation to the President should request that the award be authorized and that the President direct that it be awarded specifically by the Director of Central Intelligence.

APPROVED:

CC:IRB:jeb

CC: (2)

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